IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 23805 of 1998

Between:

K.Narasimhulu S/o.K.S.Rao, Driver,

E-103/55, aged 48 years,

Rep.by National Mazdoor Union,
A.P.S.R.T.C., Cuddapah Dist.

..... PETITIONER

AND

1 The Industrial Tribunal Cum Labour Court,
Anantapur.
2 The Depot Manager, A.P.S.R.T.C.,
Cuddapah Depot, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ particularly in the nature of writ of Certiorari and for calling the entire records from the Industrial Tribunal cum Labour court, Anantapur in I.D.No.47/95 and quash the Award dt.8-11-96 passed by the Industrial Tribunal cum Labour Court, Anantapur in I.D.No.47/96 and consequently direct the respondents to pay his regular pay scale without any reductions of the pay of the petitioner to the Minimum of the time scale as modified to 2 years and by suspending the orders passed by the 2nd respondent by an order dt.02.1.1991 and also direct the 2nd respondent to treat the suspension period as on duty for the purpose of leave and increments and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MS.B.MALLESWARI

Counsel for the Respondent No.1 : GP FOR LABOUR

The Court made the following ORDER:

This Writ petition is filed challenging the award passed by the Industrial Tribunal cum Labour Court, at Anantapur in I.D. No.47 of 1995 dated 8-11-1996 wherein the reference made under Section 10(1)© of the Industrial Disputes Act,1947 was answered in favour of the workman modifying the punishment imposed by the management against the workman. The reference before the Labour Court was as under……

> "1.Whether the action of Depot Manager, APSRTC, Cuddapah, is justified in awarding the following punishment to Sri K. Narasimhulu,Driver (1) Deferment of annual increment for a period of 5 years with cumulative effect?
>
> 2.Reduction of his pay to the minimum time scale.
>
> If not, what relief the workman is entitled to?"

2. It was stated that the workman was a driver in A.P.S.R.T.C. attached to Cuddapah Bus Depot. On 28-01-1990, at about 11.00 hours, the bus bearing No.AAZ 9315 driven by him on the route Cuddapah to Sugar factory, near Chinna Cross Road met with an accident with a bicycle plying with three persons and coming from Maidukur side, due to which, one of them died on the spot, and another died in the Government Hospital, Cuddapah and third person sustained grievous injuries. After the preliminary enquiry, the 2nd respondent served the charge sheet dated 02-03-1990 for rash and negligent driving with lack of anticipation and for failure to stop the bus at the spot. On 22-03-1990, the workman submitted the explanation. Since it was not satisfactory, a domestic enquiry was ordered. In the domestic enquiry, the Enquiry Officer found the workman guilty of charges. Then the Depot Manager, after following the due process, imposed a punishment of reduction of his pay in the minimum of the time scale for a period of five years which shall have the effect of postponing future increments. The suspension period was treated as 'not on duty' for the purpose of leave and increments etc., the appellate authority and the reviewing authority confirmed the same. Being aggrieved by the said decision, the petitioner raised a dispute before the concerned authority and on failure of conciliation, the matter was referred to the Government and the Government in turn referred the matter under Section 10(1)© of the Industrial Disputes Act to the Industrial Tribunal

cum Labour Court, Anantapur as stated supra. Before the Labour Court, it was urged on behalf of the workmen that as per circular No.PD/97/1988 Dt.20-06-1988 of the Vice-Chairman and Managing Director, A.P.S.R.T.C., the reduction of his time scale to the minimum of the scale for a period of five years was not warranted. The respondent authorities have violated the said circular since the circular contemplates only imposition of punishment of stoppage of increments for two years or reduction of pay by only two stages and not any other punishment. The circumstances in which the authorities have deviated such a procedure in vogue were not explained. On the above pleadings, the Labour Court noticed that the punishment imposed by the management was not in accordance with Regulations 8 and 17 of APSRTC (CCA)regulations and therefore held that it is a fit case where the punishment was liable to be ordered to be operative only for two years and not for five years as ordered by the management and as such passed an award holding that the action of the Depot Manager, APSRTC, Cuddapah is justified in reducing the pay of the workman to the minimum of time scale, but as against the period of five years to be operated, it was modified to two years and the rest of the reference was not answered, since there was no such punishment imposed by the management. I see no reason to interfere with the Award passed by the Labour Court since the Labour Court itself has taken a pragmatic view of the law and the facts on record and modified the punishment imposed by the management. I see no reason to interfere with the same and the writ petition is liable to be dismissed.

3. Accordingly, the writ petition is dismissed.

27-07-2004.

To

1 The Industrial Tribunal Cum Labour Court,

Anantapur.

2 The Depot Manager, A.P.S.R.T.C.,
Cuddapah Depot, Cuddapah District.

3. Two CC copies to Government Pleader for Labour, High Court

of A.P., Hyderabad.(O.U.T)

4. Two CD copies.

RNS/VS